REMARKS

The Examiner has made final her rejection of claims 1-7 under 35 U.S.C. 103(a) as being unpatentable over Bedford et al. taken with Garnett et al. and Baisted. Because it is apparent from the Examiner's comments that some confusion may exist over information presented in the specification, Applicant respectfully requests that the rejection be reconsidered in light of the foregoing amendments to the specification and these remarks.

The Examiner states on page 2 of paper 14 that; "*Moreover, the results presented in Table 2, page 11, suggest that the use of lysolecithin (^{5}) is inferior in its effectiveness to various other compositions for this purpose.*" Table 2 presents data on an experiment which compared the enzyme product of the present invention (lysolecithin (^{5}) as correctly noted by the Examiner) to various other compositions. The experiment examined the breakdown of neutral detergent fiber (NDF) in various animal feed substrates. The last column of the table sets out this measurement. The higher the number in the column, the less effective is the tested composition. Accordingly, the "100%" entry in the last column for "Control" wherein no enzyme treatment was used on the animal feed substrate shows, as one would expect, that the Control was completely ineffective at breaking down NDF. On the other hand, lysolecithin, which is the subject matter of the present invention was the most effective at breaking down NDF, as evidenced by the "89.28%" entry in the last column - the lowest entry of all compositions tested. The Examiner's statement in the final Office Action clearly misreads the information presented in the table.

The undersigned telephoned the Examiner to attempt to address this misreading of Table 2 and reached an understanding that the issue would be addressed in a written response. Upon reviewing Table 2 in an effort to understand how the data could be misread, it was noticed that the heading of the last column was recited as "Relative NDF-breakdown". Perhaps the Examiner read the column heading as indicating that the higher the entry in the column, the most effective the composition tested. As set out above, the data itself is clear to those skilled in the art that the composition of the present invention is the most effective composition tested. In anticipation that the column heading caused the confusion, Tables 1 and 2 have been amended to change the column heading to "Percent NDF remaining". While it is not believed that this amendment is needed, in view of the apparent confusion of at least one reader, it is being made to more

particularly point out and distinctly describe the present invention. Reconsideration and withdrawal of the 103 rejection of claims 1-7 is respectfully requested.

The final Office Action further asserts: "*In addition, any favorable results presented in the written disclosure are not commensurate in scope with the claims under examination with respect to the specific activity and nature of the enzyme(s) and the nature and concentration of the lysolecithin used in the method as claim designated.*" In the absence of a more specific identification of the asserted failure of support in the specification for the claim scope, Applicant respectfully questions whether this objection is also grounded in the misreading of the data presented in Table 2.

The final Office Action also suggests a misapprehension of the *in vitro* and the *in vivo* tests and data presented in the specification. The Examiner states, again on page 2, that: "*Therefore it is clear that the purpose of the enzyme treatment is the same* [as in Garnett et al.], *i.e., to improve nutrient availability of foods for animals.*" This statement mischaracterizes the present invention as defined in the claims. The present invention is directed to improving the effectiveness of enzymes at breaking down NDF in animal feeds with the primary goal being that less of the expensive enzymes will be required in order to achieve the desired result. Only the *in vitro* data test the effectiveness of the enzyme compositions of the present invention, as well as prior art compositions, at breaking down NDF. The in vivo experiment do not and inherently cannot measure NDF breakdown. Even if the enzyme products of the present invention were used in the same amount as prior art enzyme compositions (that is, over-included), there will only be an improvement in animal performance with certain, specific animal feed rations.

Garnett et al. teaches the addition of phosphorlipase A2 in combination with lecithin in order to generate in situ lysophospholipids that will increase feed conversion rate *in vivo* by enhancing the absorption of nutrients; Garnett et al. teaches nothing with respect to enzyme activity. The present invention, as defined in the claims, increases the amount of nutrients that can be absorbed from feed by enhancing the enzyme activity for breaking down nondigestible fibers.

The application has been amended to correct minor informalities, to further distinguish the application over the prior art, and to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention so as to place the application, as a

whole, into a prima facie condition for allowance. Great care has been taken to avoid the introduction of new subject matter into the application as a result of the foregoing modifications.

Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully submits that the claimed invention, as amended, patentably distinguishes over the prior art, including the art cited merely of record.

Based on the foregoing, Applicant respectfully submits that its claims 1-7 are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discus the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

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